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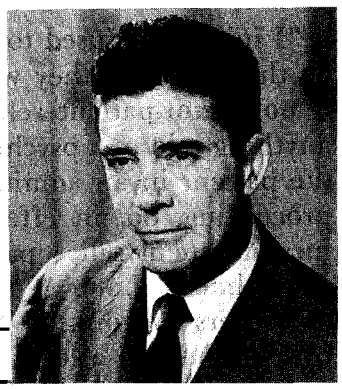

DAN SMOOT

THE BALDAUF CASE--PART II

Lieutenant Commander Laurence C. Baldauf, Jr., a 34-year-old career Navy pilot — unable to resign and speak as a civilian — has written letters to superiors, criticizing the administration's no-win policy in Vietnam, urging senior Navy men to do something to save American lives and assure victory.

Baldauf has suggested, among other things, that the United States declare war on North Vietnam and fight to win, so that our captured soldiers can be given some protection. This raises a point that the administration obviously would prefer to ignore.

In July, 1966, communist officials announced that captured American fliers would not be treated as prisoners of war (since a formal state of war does not exist) but would be punished as criminals.[1] Secretary of State Dean Rusk said this was a "grave development indeed."[2] Since then, administration officials have said little about the fate of our captured soldiers. On May 9, 1967, the State Department said it was protesting the parading of U.S. war prisoners through the streets of Hanoi;[3] but we still do not know how many of our men the communists have, or what is happening to them.

For writing letters critical of official conduct of the war in Vietnam, Lt. Cmdr. Baldauf was relieved of all duties at Atsugi Naval Air Base in Japan on January 13, 1967, and ordered to the U.S. Naval Hospital at Yokosuka for a neuropsychiatric evaluation. The Senior Medical Officer at Atsugi (Captain N. D. Sanborn, not a psychiatrist) had diagnosed Baldauf as an "unconfirmed paranoid personality." The diagnosis, based solely on the contents of Baldauf's letters, was made without benefit of a personal examination. In November, 1966, Captain Sanborn had reported Baldauf "physically qualified and aeronautically adapted for flying."

Baldauf says:

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"I initially refused to comply with these orders on the basis that they were unlawful. Since there is no doctor-patient relationship in the military, anything told to a psychiatrist can be used against the patient in an administrative or court-martial proceeding. So, in effect, I was being asked to incriminate myself, a patent violation of the Fifth Amendment. Later, I technically complied with the orders by going to the hospital accompanied by a friend and a legal officer.

"Before checking in with the officer of the day, we all talked with the psychiatrist to see what I could expect in the way of a neuropsychiatric evaluation. We asked him what would happen if a patient refused to talk and took the 5th. He replied that the patient could be retained for observation. We asked, for how long. He replied, indefinitely.

"We asked if drugs could then be administered against the patient's will. He said, yes, they could, including truth serum . . . . Needless to say, I did not check in with the hospital but, instead, returned to NAS Atsugi . . . . [and] applied for leave back to the states for the purpose of having a neuropsychiatric examination under more supervised conditions.

"Now all of this came about because of letters I had written damning our no-win policy — this was admitted by the commanding officer and the senior medical officer at Atsugi and the senior psychiatrist at the Yokosuka hospital."

On January 18, 1967, Admiral B. J. Semmes, Jr., Chief of Naval Personnel, notified Baldauf that, because of letters he had written to superior officers, he was suspected of violating the Uniform Code of Military Justice and the U.S. Criminal Code. He was warned that he should make "a satisfactory explanation" within 30 days.

On February 4, 1967, Baldauf replied, saying:

"I will not recant. The war in Vietnam is a farce . . . perhaps the greatest tragedy in our nation's history. There is absolutely no provision of any kind for victory . . . . Our armed forces are being demoralized, our nation's sovereignty is being eroded, and Americans are being killed and maimed to satisfy the political and economic whims of Washington. I am opposed to all those who would acquiesce to such a policy; and if that includes you, Vice Admiral Hyland, Admiral Sharp, etc., so be it."

Concerning the fact that he was threatened with prosecution under the U.S. Criminal Code (though the Uniform Code of Military Justice was written specifically for the services and is fully adequate to cover all offenses alleged against him) Baldauf says:

"The long arm in the civilian sleeve has reached out from the central bureaucracy to deal with me . . . . In Nazi Germany, they had the gestapo to stifle political opposition. What name should we use in the United States?"

On February 20, 1967, the Navy filed preliminary charges against Baldauf, alleging 5 violations of the Uniform Code of Military Justice. He was accused of showing disrespect to superior officers, inciting some of them to sedition and mutiny, disobeying a direct order to report for a psychiatric examination, and making disrespectful remarks about Robert S. McNamara, Secretary of Defense, and Dean Rusk, Secretary of State. The charges, if proven at a court-martial, could subject Baldauf to as much as 25 years in prison.

On February 27, 1967, Baldauf requested leave of absence for 15 days, so that he could return to the United States, obtain civilian legal counsel, and get a neuropsychiatric evaluation by a private psychiatrist — after which, he would submit to an examination at the Balboa Naval Hospital in San Diego.

His request was denied on the same day.

The charge that Baldauf solicited his superiors to commit mutiny and sedition is patently absurd. How could he know what their general orders are, or whether he was suggesting they do something contrary to their orders? The charge that his private letters to superior officers constitute disrespect is unfounded, because, in military law, a *private* communication with a superior, though disrespectful, is not grounds for a court-martial.

Baldauf says:

"As far as my court-martial is concerned, I will categorically state that the decision makers . . . do not have the courage to go through with it . . . .

"The Establishment knows exactly what I would say. I would read into the record the his-

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tory of the betrayal of our fighting men in Vietnam by this administration. I would go into great detail on the development of fabian socialism in the United States, including the relationship between this English aberration and its American counterpart, the Americans for Democratic Action; and I would show that people such as Nitze, Rostow, Rusk, Bundy, McNamara, Humphrey, Lippman, etc. are International Socialists (Internazis) of the first stripe, their total commitment being to world government, the United States taking a secondary position.

"I would present evidence proving that these Internazis couldn't care less that their own countrymen are bleeding and dying in Vietnam, one life being the same as another on a world scale.

"And I would say as I say now: These Internazis have got to be recognized by the American people for what they are. Let's stop using the euphemism, *Liberal,* for a socialist; and let's realize that the words *treason* and *impeachment* were put in the Constitution for a purpose."

What Baldauf fears is not a court-martial, but a closed, unpublicized administrative action by a medical board, which will stigmatize him as insane, thus discrediting and effectively silencing him.

On April 14, 1967, Baldauf was notified that a board of 3 medical officers had been appointed to inquire into his mental condition. He was invited, but not required, to appear before the board. On April 18, 1967, he accepted the invitation to appear, provided:

(1) that he be represented by counsel of his choice; (2) that he be allowed to call witnesses; (3) that he be allowed to return to California on two weeks' leave to prepare his presentation — which would include obtaining a complete neuropsychiatric evaluation at his own expense; and (4) that Captain Kenneth P. Jones be replaced as a board member, because of his obvious bias (Jones being the psychiatrist whom Baldauf interviewed on January 13, 1967).

Concerning his requests, Baldauf said:

"I make all of the foregoing requests because I feel that the minimum requirements of military due process of law demand these safeguards. Although the board is technically administrative in nature, it performs a judicial function. Not only is my sanity on trial, but so are my views on Vietnam; it is impossible to separate the two — for if the board discredits my mental condition in any way, then my statements about the Vietnam War are also discredited. There are too many people within the Navy who believe as I, that treason is being committed in Vietnam, for me to quit at this stage of the game. I'll take my chances at a court-martial . . . but I doubt that the decision makers, whoever they may be, have the guts to go through with it. Discrediting my mental condition is unquestionably the easier route."

Though his requests were denied, Baldauf appeared before the medical board on May 12, 1967. Having reconsidered his situation, he *asked* the board for a complete neuropsychiatric evaluation, in order to remove from his record the "unconfirmed paranoid personality" diagnosis. The board *decided that he did not need the psychiatric examination,* but ordered a physical examination and standard psychological tests. These disclosed that Baldauf is in fine health and has a superior intelligence rating.

It is astonishing to note the difference between the official attitude toward Lt. Cmdr. Baldauf and the official attitude toward such persons as Stokley Carmichael and Martin Luther King. Baldauf, a patriot imbued with love of country, believes that American fighting men should be given full support to win the war to which the administration has committed them.

Alien-born Carmichael, on the other hand, hates America and does not want our soldiers to win the war.

On January 25, 1967, Carmichael led a march of students in San Juan, Puerto Rico, protesting the draft and the Vietnam war, and demanding Puerto Rican independence from the U.S. Some of Carmichael's followers carried banners saying "March Against . . . Yankee Military Service." Police protected Carmichael and his crowd from other students who resented the demonstration.[4]

In a speech to several thousand students at Berkeley, California, on October 29, 1966, Carmichael urged young Americans to say "to hell with the draft." Calling American Negroes in the

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U.S. Army in Vietnam "black mercenaries," Carmichael made it clear that he and his followers would not serve in the armed forces, saying:

"We are going to decide for ourselves who we are going to kill."[5]

In another speech to a large gathering of college students, Carmichael was quoted as saying:

"I tried . . . [non-violence] for five years, and now . . . . [if a policeman] touches me, I'm going to kill him . . . .

"To hell with America."[6]

In a speech on April 14, 1967, Martin Luther King called the United States "the greatest purveyor of violence in the world today." His speech was interlarded with accusations which sound like fabrications by communist propagandists — about the United States thwarting the noble purpose of Ho Chi Minh to bring independence and self-determination to Vietnam; about civilian casualties caused by American bombing; about the brutalizing of Vietnamese by American servicemen; and so on. Note these excerpts from King's speech (published in full by the communist *The Worker*, April 16, 1967):

"After the French were defeated, it looked as if independence and land reform would come . . . through the Geneva agreements. But instead there came the United States, determined that Ho should not unify the temporarily divided nation . . . .

"Now . . . [the people of Vietnam] languish under our bombs . . . . They move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. They know they must move or be destroyed by our bombs . . . .

"So far, we may have killed a million of them — mostly children . . . . They see the children degraded by our soldiers as they beg for food . . . . What do they think as we test out our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe? . . .

"In Hanoi . . . the men who led the nation to independence against the Japanese and the French . . . . watched us conspire with Diem to prevent elections which would have surely brought Ho Chi Minh to power over a united Vietnam . . . .

"The leaders of Hanoi . . . did not begin to send in any large number of supplies or men until American forces had moved in by the tens of thousands . . . .

"As we counsel young men concerning military service we must clarify for them our nation's role in Vietnam and challenge them with the alternative of conscientious objection. I am pleased to say that this is the path now being chosen by more than seventy students at my own alma mater . . . and I recommend it to all who find the American course in Vietnam a dishonorable and unjust one."

In addition to their public expressions of sympathy with the enemies of our country, Carmichael, King, and their ilk clearly advocate crimes, inciting violence, sedition, and mutiny; but there has been no hint of prosecution against *them.*

On May 9, 1967, Representative Mendel Rivers, Chairman of the House Armed Services Committee, suggested that there is a conspiracy between the Department of Justice and certain federal judges to prevent prosecution of people like Carmichael and King.[7]

As Lt. Cmdr. Baldauf says:

"These are strange times for our country when patriots are vilified and traitors glorified."

FOOTNOTES

(1) "Hanoi Alarms U.S. On Fate Of Fliers," by Max Frankel, *The New York Times*, July 13, 1966, pp. 1, 4

(2) "POW Abuse Grave Issue, Rusk Warns," AP dispatch from Washington, *Chicago Daily News*, July 14, 1966, p. 4

(3) "Prisoner Parading To Get U.S. Protest," UPI dispatch from Washington, *The Dallas Morning News*, May 10, 1967, p. A2

(4) "Carmichael in Puerto Rican melee," UPI dispatch from San Juan, *The* (Newark, New Jersey) *Star-Ledger*, January 26, 1967, p. 2

(5) "Carmichael Blasts Draft Amid Cheers," (Los Angeles) *Herald Examiner*, October 30, 1966, pp. 1, 6

(6) "Capital Briefs," *Human Events*, March 4, 1967, p. 2

(7) UPI dispatch from Washington, *The Dallas Morning News*, May 10, 1967, p. A3

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